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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

HACZKU et al.

Serial No.: 09/932,483

Filed: August 17, 2001

Atty. File No.: 2879-57-1

For: "METHOD FOR TREATING
INFLAMMATORY DISEASES
USING HEAT SHOCK PROTEINS"

) Group Art Unit: 1644

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) Examiner: Ewoldt, Gerald R.

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RESPONSE TO SPECIES
ELECTION REQUIREMENT

EXPRESS MAIL: EL975238650US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

This communication is being filed in response to the species election requirement in the Office Action having a mailing date of April 24, 2003. A request for a five-month extension of time to extend the period for response to the species election from May 24, 2003, until October 24, 2003, is enclosed herewith. No additional fees are believed to be due in connection with this communication. However, in the event additional fees are due, please debit Deposit Account No. 19-1970.

The Examiner states that the application contains inventions that are drawn to patentably distinct species and requires the Applicants to elect a single method comprising:

- A) treating a specific disease, such as one of those recited in Claims 3, 5, or 40;
- B) administering a specific heat shock protein, such as one of those recited in Claims 8-13; and
- C) measuring a specific parameter, such as one of those recited in Claims 16-27.

Further, the Examiner requires that Applicants identify all claims readable upon the elected species.

With regard to the species election A, Applicants provisionally elect, with traverse, to prosecute allergic airway diseases. With regard to species election B, Applicants provisionally elect, with traverse, to prosecute species HSP-60 family heat shock proteins. With regard to species

election C, Applicants provisionally elect, with traverse, to prosecute the parameter recited in Claim 24. All pending claims are readable upon the species election of allergic airway diseases. Pending Claims 1-9, 11, 12, 14-33, 39 and 40 read on the species election of HSP-60 family heat shock proteins. Pending Claims 1-9, 11-15, 24, 25, 28-33, 39 and 40 read on the species election of the parameters of Claim 24.

With regard to the Examiner's species election requirement, Applicants note that such requirement is primarily, if not solely, intended to facilitate the search by the Examiner. Applicants note that the Examiner is obligated to examine the generic claims and submit that the scope of the claims of the present invention is not limited to the elected species.

Respectfully submitted,

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By: 

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Date: Oct. 24, 2003